

**UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

**SECURITAS SECURITY SERVICES USA,
INC.,**

Petitioner,

and

**NATIONAL LABOR RELATIONS
BOARD**

Respondent.

Case No. 16-60304

**UNOPPOSED MOTION FOR PROCEDURAL ORDER TO STAY
BRIEFING PENDING DISPOSITION OF PETITIONER’S MOTION FOR
SUMMARY REVERSAL**

TO THE HONORABLE JUDGES OF THE UNITED STATES COURT OF
APPEALS FOR THE FIFTH CIRCUIT:

Petitioner Securitas Security Services USA, Inc. (“Securitas” or
“Petitioner”) respectfully requests that briefing in this case be stayed until the
Court rules on Petitioner’s motion for summary reversal (the “Motion”). In
support of its request, Securitas states as follows.

1. On July 18, 2016, Securitas moved this Court for summary disposition
in the above-captioned matter. Securitas’s motion asserted that, in light of
binding Circuit precedent and this Court’s rule of orderliness, Securitas is entitled
to summary reversal of the National Labor Relation Board’s order without the need

for briefing, oral argument, or further expenditure of Court or party resources.

2. The NLRB filed its opposition to the Motion on July 28, 2016 and Securitas filed its reply in support of the Motion on August 3, 2016.

4. Securitas's principal brief is due on September 7, 2016.

5. Securitas requests that briefing in this matter be stayed until such time as the Court has ruled on its Motion, especially because if the Court grants the Motion, briefing will be unnecessary.

7. The Court has granted petitioners' motions for procedural orders requesting a stay of briefing pending rulings on motions for summary disposition in at least two other cases presenting the same *D.R. Horton/Murphy Oil* issues as are presented in Securitas' Motion. *See SF Markets, L.L.C. v. NLRB*, No. 16-60186 (5th Cir. June 16, 2016); *PJ Cheese, Inc. v. NLRB*, No. 15-60610 (5th Cir. June 7, 2016); *RGIS, L.L.C. v. NLRB*, No. 16-60129 (5th Cir. June 14, 2016). Securitas requests the same relief, for the same reasons submitted by those petitioners.

8. Counsel for Securitas has conferred with counsel for the NLRB; the NLRB does not oppose Securitas' request to stay briefing.

Dated: August 15, 2016

Respectfully submitted,

/s/ Sean M. McCrory

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**ATTORNEYS FOR PETITIONER
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USA, INC.,**

CERTIFICATE OF SERVICE

I certify that on August 15th, 2016, the foregoing Unopposed Motion for Procedural Order to Stay Briefing Pending Disposition of Motion for Summary Reversal was filed with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit by using the appellate CM/ECF system, and that all counsel are registered CM/ECF users.

/s/ Sean M. McCrory
Sean M. McCrory